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APPLICATION NO).	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/532,437		12/22/2005	Reinhard Kupfer	WSP232US 9119		
24041	7590	07/18/2006		EXAMINER		
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET				ROBINSON, DANIEL LEON		
		NY 14221-5406 ·		ART UNIT PAPER NUMBER 3742		
				DATE MAILED: 07/19/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

			SO				
	Application No.	Applicant(s)					
Office Action Summans	10/532,437	KUPFER ET AL.					
Office Action Summary	Examiner	Art Unit					
	Daniel L. Robinson	3742					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence add	ress				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this con D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on amen	ndment filed 4-22-2005.						
2a) This action is FINAL . 2b) This	action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.					
Disposition of Claims							
4) Claim(s) 17-39 is/are pending in the application	1.						
4a) Of the above claim(s) is/are withdraw							
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.	6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.							
8) Claim(s) <u>17-39</u> are subject to restriction and/or	election requirement.						
Application Papers							
9) The specification is objected to by the Examine	r.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTC	D-152.				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a))-(d) or (f).					
a) All b) Some * c) None of:	. have been seed and .						
1. Certified copies of the priority documents have been received.							
 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage 							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
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Attachment(s)							
Notice of References Cited (PTO-892)	4)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal P	Patent Application (PTO-	152)				
Paper No(s)/Mail Date	6) Other:						

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Response to Amendment

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 17-37, drawn to a sealing jaw, classified in class 425, subclass 406.
- Claim 38, drawn to an induction sealing device, classified in class 219, subclass 633.
- III. Claim 39, drawn to a packaging machine, classified in class 53, subclass 463.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group III and both Groups I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination can be made with or without an inductor and pressure element that is composed of a non-conductive material. The subcombinations have separate utility such as a sealing jaw and a sealing device.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Robinson whose telephone number is 571-272-4788. The examiner can normally be reached on m-f 5:30-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dlr